

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA FINKEN,

Defendant.

8:22CR262

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 127). The Court has carefully reviewed the record in this case and finds as follows:

1. On August 29, 2024, defendant Joshua Finken ("Finken") pleaded guilty to Count I of the Superseding Indictment and admitted to the Forfeiture Allegation (Filing No. 124). Count I charged Finken with conspiracy to distribute and possession with intent to distribute methamphetamine (50 grams or more actual); in violation of 21 United States Code section 846.

2. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853, of \$17,282 in United States currency seized from the residence at [NUMBER REDACTED] S. 45th Street, Omaha, Nebraska, on September 27, 2022, as property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense.

3. Based on Finken's guilty plea and admission, Finken forfeits his interest in the \$17,282 in United States currency, and the government is entitled to possession of any interest Finken has in the \$17,282 in United States currency, pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture is granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 127) is granted.
2. Based upon the Forfeiture Allegation of the Superseding Indictment (Filing No. 116) and Finken's guilty plea and admission, the government is hereby authorized to seize the \$17,282 United States currency.
3. Finken's interest in the \$17,282 in United States currency, is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$17,282 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the \$17,282 in United States currency, in such manner as the Attorney General may direct, and notice that any person, other than Finken, having or claiming a legal interest in the \$17,282 in United States currency, must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$17,282 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$17,282 in United States currency, and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$17,282 in United States currency, as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 5th day of September 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge